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13 July 1978

MEMORANDUM FOR: Chief, Operations & Management
Law Division
Office of General Counsel

STATINTL

THROUGH : Mr. [REDACTED]
Special Assistant to the DDO

STATINTL

FROM : [REDACTED]
DDO Grievance and EEO Officer

SUBJECT : Grievance Claim of [REDACTED] STATINTL

STATINTL

1. Mr. [REDACTED] an employee of this Directorate, has presented me with a claimed grievance matter, the rectitude of which appears to me to rest in law and legal interpretations. This memorandum attempts to set forth the issues involved and poses four questions, the answers to which seem essential to me in judging whether a legitimate grievance does or does not exist.

STATINTL

2. Mr. [REDACTED] believes that in his case, CIA has failed to comply with the U.S. Civil Code Title 5, Chapter 53, Subchapter 1, Section 5301, Paragraph (a), Subparagraphs (1) and (2). This is the equal pay for equal work provision. Thus, the first question at issue is: Does this law apply to CIA in its employment practices or is the Agency exempt from that provision of the law?

STATINTL

3. Mr. [REDACTED] began work for the Agency eight years ago as a GS-03 and is now a GS-06. He has been in a GS-07 slot for two-and-one-half years, and during that period he received a promotion from GS-05 to GS-06 and a recommendation for promotion from a GS-06 to GS-07. That recommendation fell into the time frame of a DDO-imposed freeze on promotions of GS-06

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clerical employees which remains in force today. During that time he taught a GS-07 how to do the entire job and observed him (doing the identical job alongside [REDACTED] be promoted to a GS-08. Now that man has left the office and Mr. [REDACTED] is doing both jobs himself. *pad!*

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4. Mr. [REDACTED] claims he was advised by his personnel officer and supervisor, when he was placed in the GS-07 slot two-and-one-half years ago, that there could be no work distinctions as regards pay distinctions since everyone, regardless of grade, had to perform the same job functions within the unit. Hence, he claims, the work requirements of a GS-05 in a GS-07 position are the same as that of a GS-07 in that same position. He contends that this is a violation of the same law. Thus, the second question at issue is: Does this practice (if followed) constitute violation of the cited law?

STATINTL

5. Mr. [REDACTED] raises two other questions related to the above, and yet also independent of them. He questions the legal authority of the Chief of the Operations Directorate's Career Management Staff to issue a freeze on promotion such as the one which is currently affecting him. So the third question is: Does Chief, CMS have authority to issue selective promotion freezes? Finally, Mr. [REDACTED] alleged that such promotion freezes are discriminatory. While few would argue that such action is not by definition discriminatory, the issue seems to be whether it contravenes any anti-discrimination laws. So the final and fourth question is: Does such selective promotion freeze contravene any law applying to CIA? *STATINTL*

6. If there is additional information needed to respond to this request, I shall endeavor to supply it to you.

[REDACTED] STATINTL

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